

No. 12-7135

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AF HOLDINGS, LLC,

Plaintiff-Appellee,

v.

DOES 1 – 1,508,

Defendants,

and

COX COMMUNICATIONS, INC., et al.,

Appellants.

**APPELLEE’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO
RESPOND TO MAY 6 AND MAY 14 MOTIONS**

Pursuant to Rule 26(b) of the Federal Rules of Appellate Procedure and Rule 27(h) of the D.C. Circuit Rules, Appellee respectfully moves for an extension of time to respond to Appellants’ Request for Judicial Notice filed on May 6, 2013; and to respond to the Motion for Leave to File a Brief *Amici Curiae* filed on May 14, 2013.

On May 20, 2013, Benjamin Fox, counsel for certain Appellee Internet Service Providers (“ISPs”), and the individual who signed the May 6, 2013 Motion, informed the undersigned that all of Appellant ISPs agree to a thirty-day extension of time for Appellees to file their response to ISPs’ motion. As such, the Appellants and Appellees agree that Appellees may respond to the May 6, 2013 Motion on or before June 19, 2013.

Counsel for Appellee also exchanged messages with Mitchell Stoltz, counsel who signed a motion on May 14, 2013 requesting that certain parties file a brief as *amicus curiae* in this case. Mr. Stoltz agreed to a seven-day extension of time, or until June 7, 2013, for Appellees to file their response to his motion. However, in order to avoid needless duplication of efforts in responding to arguments raised by both the Appellees and *amicus curiae* petitioners, Appellees request that the Court allow it until June 19, 2013 to respond to the motion of parties seeking to file as *amicus curiae* in connection with this case.

The Court has not yet set this matter for oral argument, and in its May 9, 2013 Order suspended parties’ the briefing schedule. As a consequence, granting this Motion will not cause prejudice to any party. Appellees and Appellants have agreed to an extension until June 19, 2013 for the response to Appellant’s motion to supplement the record. The *amicus curiae* movants have agreed to an extension of time until June 7 for Appellees to respond to their motion; however, Appellees

request that the Court grant it an extension of time until the same date, June 19, 2013, to respond to that motion. Appellee, of course, agrees to allow the non-movants the additional time to reply to Appellee's response.

WHEREFORE, for the reasons set forth above, Appellees respectfully request that the Court extend the time for it to answer both the motion of the Appellants and the motion of the *amicus curiae* movants to June 19, 2013; and to grant them any and all of the relief that the Court deems to be reasonable and appropriate under the circumstances.

By: s/Paul A. Duffy
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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system on May 20, 2013.

s/ Paul A. Duffy

Paul A. Duffy